

Notice of Allowability

Application No.

09/306,510

Examiner

Vernal U. Brown

Applicant(s)

SHCROTT ET AL.

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/20/05.
2. ☒ The allowed claim(s) is/are 1-2,4-6,8-16,19-27.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

This action is responsive to the telephone interview on 8/26/05 regarding to examiner's answer mailed on 8/09/05.

Allowable Subject Matter

Claims 1-2, 4-6, 8-16, and 18-27 are allowed.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR1.312 to ensure consideration of such an amendment, it must be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Frederick Cooperrider on August 26, 2005.

The application has been amended as follows:

Add the limitation of claim 28 to claim 1 and cancel claim 28. The listing of claim 1 is as follows:

A system for preventing theft of an object, said, system comprising: an electronic article surveillance (EAS) device operatively attached to an object; a security path for detection of said EAS device, said security path including at least one security gate; a reader operatively coupled to said security path and associated with one of said at least one security gate; a smart card for being read by said reader, said smart card containing an identification profile of an authorized user of said object; and a computer attached to said reader, said computer disabling a security

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function of said security path at said security gate if a person presenting; said smart card at said reader is determined as being authorized to remove said object after having said smart card read by said reader; wherein upon passage through said path without first having established that said person is authorized to remove said object, said EAS device triggers the path to activate said alarm and subsequently, when said smart card is read by said reader and said person is determined as being authorized to remove said object, said alarm is turned off.

In claims 9 and 25, change “claim 28” to “claim 1”.

Add the limitation of claim 29 to claim 15 and cancel claim 29. The listing of claim 15 is as follows:

A method for preventing theft of an object, said method comprising: operatively attaching an electronic article surveillance (EAS) device to an object; detecting said EAS device as said object traverses a security path; operatively coupling a reader to said security path, said reader associated with a security gate in said security path; reading, by said reader, a smart card being presented to said reader as said object traverses said security path, said smart card containing an identification profile of an authorized user of said object; and attaching a computer to said reader, said computer disabling a security function of said security path at said security gate if said smart card is determined as being associated with a person authorized to remove said object; activating said alarm upon passage through said path without first having established that

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said person is authorized to remove said object; and turning off said alarm when said smart card is read by said reader and said person is determined as being authorized to remove said object

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U. Brown whose telephone number is 571-272-3060. The examiner can normally be reached on 8:30-7:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Vernal Brown
September 19, 2005



**BRIAN ZIMMERMAN
PRIMARY EXAMINER**